

Litigation Section
Bill Summary Report

Litigation Section

[HB 2059](#)

Position

No Position 0

Summary: Provides that moneys payable to ward in custody of Department of Human Services under settlement agreement or pursuant to judgment shall be paid into trust account or subaccount established by department or Oregon Health Authority for purpose of receiving such funds.

Relating To: Relating to receipt of moneys on behalf of ward in custody of Department of Human Services.
1/21/11 H - Referred to Human Services.
1/10/11 H - First reading. Referred to Speaker's desk.

[HB 2082](#)

Position

No Position 0

Summary: Allows Director of the Department of Environmental Quality to approve certain settlements concerning releases of hazardous substances. Specifies that certain agreements to release parties from potential liability to state must be set forth in administrative agreements.

Relating To: Relating to releases of hazardous substances.
1/21/11 H - Referred to Energy, Environment and Water.
1/10/11 H - First reading. Referred to Speaker's desk.

[SB 0077](#)

Position

No Position 0

Summary: Provides that inmate may not bring action against public body unless inmate has exhausted administrative remedies. Limits inmate action against public body in small claims department to claim for loss or destruction of property. Requires inmate to serve notice and claim on public body, and, if public body is state agency, on Attorney General and official of correctional facility where inmate is incarcerated. Allows defendant 30 days to admit or deny inmate's claim. Limits damages to value of property lost or destroyed. Prohibits default judgment in favor of inmate unless inmate files notice of intent to apply for order of default at least 10 days before entry of order and submits to court proof of service by affidavit of notice and claim and notice of intent to apply for order of default. Prohibits inmate action in small claims department against other inmate. Declares emergency, effective on passage.

Relating To: Relating to civil actions by inmates; declaring an emergency.
2/2/11 S - Public Hearing Scheduled.
1/14/11 S - Referred to Judiciary.
1/10/11 S - Introduction and first reading. Referred to President's desk.

[SB 0283](#)

Position

No Position 0

Litigation Section

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Summary: Requires entry of judgment with installment payments in medical liability actions in which \$100,000 or more is awarded for losses that will be incurred by plaintiff after entry of judgment. Modifies law governing liability of individual tortfeasors when more than one tortfeasor is liable for injury, death or property damage. Eliminates reallocation of liability between tortfeasors when court determines that all or part of tortfeasor's share of obligation is uncollectible. Imposes qualifications for expert witnesses in civil actions for medical liability actions. Provides that if offer of compromise in civil action is not accepted, and party asserting claim in action fails to obtain judgment more favorable than offer of compromise, court must award prevailing party fees and attorney fees incurred after service of offer. Declares emergency, effective on passage.

Relating To: Relating to liability; declaring an emergency.
1/14/11 S - Referred to Judiciary.
1/10/11 S - Introduction and first reading. Referred to President's desk.

[SB 0358](#)

Position

No Position 0

Summary: Increases amount of noneconomic damages that may be awarded in civil action seeking damages arising out of bodily injury. Corrects inaccurate reference for definition.

Relating To: Relating to damages.
1/14/11 S - Referred to Judiciary.
1/10/11 S - Introduction and first reading. Referred to President's desk.

[SB 0372](#)

Position

No Position 0

Summary: Allows injured person to retain from payments on claims of injured person reimbursement for both economic and noneconomic damages prior to reimbursement of personal injury protection benefits paid by insurer. Extends personal injury protection coverage for certain expenses from one year after date of injury to two years after date of injury.

Relating To: Relating to personal injury protection benefits.
1/18/11 S - Referred to General Government, Consumer and Small Business Protection.
1/10/11 S - Introduction and first reading. Referred to President's desk.

[SB 0397](#)

Position

No Position 0

Summary: Allows action based on tort to be brought against officer, employee or agent of public body if complaint alleges that plaintiff is entitled to damages in excess of limitations imposed by Oregon Torts Claims Act.

Relating To: Relating to tort claims against public bodies.
1/14/11 S - Referred to Judiciary.

1/10/11

S - Introduction and first reading. Referred to President's desk.

SB 0421

Position

No Position 0

Summary:

Provides that civil action based on negligence, including but not limited to claim for indemnity or contribution, may not be brought against design professional for damages arising out of work performed by design professional on improvement unless action is brought by person who contracted with design professional. Exempts tort claim for personal injury, death or damage to property other than improvement.

Relating To:

Relating to design professionals.

1/14/11

S - Referred to Judiciary.

1/10/11

S - Introduction and first reading. Referred to President's desk.